

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RAINIER FRUIT COMPANY,

Plaintiff,

vs.

CRETE CARRIER CORPORATION,

Defendant.

4:22CV3221

AMENDED
CASE PROGRESSION ORDER

This matter comes before the Court on the Defendant's Unopposed Motion to Extend Deposition Deadline ([Filing No. 31](#)). After review of the motion, the Court finds good cause to grant the requested extension. Accordingly,

IT IS ORDERED that the Defendant's Unopposed Motion to Extend Deposition Deadline ([Filing No. 31](#)) is granted, and the case progression order is amended as follows:

- 1) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is extended to **October 25, 2023**. The maximum number of depositions that may be taken by the plaintiffs as a group and the defendants as a group is **five (5)**.
- 2) The planning conference scheduled for September 8, 2023, is cancelled. The trial and pretrial conference will not be set at this time. A planning conference to discuss case progression, dispositive motions, the parties' interest in settlement, and the trial and pretrial conference settings will be held with the undersigned magistrate judge on **October 25, 2023**, at **10:30 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 3) The deadline for filing motions to dismiss and motions for summary judgment is extended to **December 6, 2023**.
- 4) The deadline for filing motions to exclude testimony on *Daubert* and related grounds remains **January 29, 2024**.
- 5) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 6) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 6th day of September, 2023.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge